

Application No. 09/922,651
Amendment Dated October 25, 2007
Reply to Office Action of June 25, 2007

REMARKS

Applicant amended independent claims 1 and 41 to further define Applicant's claimed invention. Support for the amendment to independent claims 1 and 41 can be found in the specification at least on page 10, lines 8-21 and page 11, lines 15-22. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-22 and 41-49 under 35 U.S.C. § 112, second paragraph. Applicant respectfully disagrees with the Examiner's contention that there is insufficient antecedent basis for the recitation "the selected groupings of the consumers" in lines 12 and 13 of independent claims 1 and 41, respectively. Applicant submits that "selected groupings of the consumers" are recited on lines 4 and 5 of claim 1 and provide antecedent basis for "the selected groupings of the consumers" on lines 12 and 13 of claim 1. Applicant amended independent claim 41 to be consistent with claim 1. Applicant submits that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

The Examiner rejected claims 1-22, 41-49, and 60-87 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,226,618 to Downs et al. ("Downs") in view of U.S. Patent No. 6,718,551 to Swix et al. ("Swix"). Applicant notes that claims 60-87 have been previously withdrawn from this application. Applicant amended Independent claims 1 and 41 to recite that said content management system is "adapted to provide for the aggregation of selected media content offerings into at least a first rollout offered to at least a first of the selected groupings of the consumers and at least a second rollout offered to at least a second of the selected groupings of the consumers, the first of the selected groupings of the consumers being different from the second of the selected groupings of the consumers, the first rollout being targeted to the consumers in the first of the selected groupings, and the second rollout being targeted to the consumers in the second of the selected groupings." Downs does not disclose or suggest such a system.

Downs teaches a system including a series of tools that "enable the Content Provider(s) 101 to prepare and securely package their Content 113" into Secure Containers (SCs) and that enable Electronic Digital Content Stores (EDCSs) to "extract Content 113 from these SC(s) to be used as input to building their service offering" to end users of the system. (Downs, col. 48, lines 37-39; col. 70, line 55 through col. 71,

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line 3). In Downs, the rollouts by the EDCSs are not offered to different groups of end users, but are offered to all end users of the system. Moreover, the contents of rollouts by an EDCS in Downs are not targeted to different groups of system end users, but are directed at and available to all end users who log onto the EDCS's website, meet Content Use restrictions (*i.e.*, approved uses of content), and purchase the content.

The Examiner cites Swix solely for its teaching of "collecting user demographics and viewing habits (e.g. length of time) then using the collection to provide content to users." (Office Action, page 6, lines 19-20). Applicant submits that even if Swix were combined with Downs as proposed by the Examiner, the combination would not disclose or suggest all of the recitations of independent claims 1 and 41.

Applicant submits that independent claims 1 and 41 are patentable and that dependent claims 2-22, and 42-49 dependent from one of independent claims 1 and 41, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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